

### REMARKS

Applicants thank the Examiner for his indication that claims 182, 183, 184, and 186-189 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At this time, Applicants decline to make the suggested amendments.

Claims 1, 2, and 181-189 are pending in this application. No amendments have been made to the claims.

Independent claims 1 and 2, and their dependent claims 181 and 185, respectively, stand rejected under 35 USC § 102(b) as being anticipated by US Patent No. 5,839,108 to Daberko *et al.* (hereinafter “*Daberko*”). Applicants respectfully traverse this rejection.

*Daberko* fails to disclose, in any fashion, the concept of a decoder system simultaneously receiving a first prerecorded signal, the first signal recorded to comprise substantially vocal signal information and a second prerecorded signal, the second signal recorded to comprise substantially information other than the vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder system, as recited in independent claim 1 and similarly recited in independent claim 2. *Daberko* relates to two separate embodiments of a record/playback device for use with a removable, interchangeable, flash memory recording medium that enables noise dampened recording of voice data in a first embodiment (FIG. 3 and accompanying text), and CD quality stereo recording of music data in a distinct and separate second embodiment (FIG. 4 and accompanying text). A portion of *Daberko* cited by the Office Action confirms the previous assertion. Namely, “When looking at FIGS. 3 and 4, one of the most important modifications is the inclusion of a specific voice recording and playback embodiment which is distinct and separate from a music recording and playback embodiment.” Col. 6:55-60 (emphasis added).

*Daberko*’s FIG. 3 illustrates a block diagram of a record and playback device to record and playback voice data using noise cancellation. Col. 6:63-66. The device includes a CODEC (ref. 60) to code an input signal while in a record mode and to decode an output signal while in a playback mode. Col. 7:28-40. In the playback mode, when operating as a decoder, the CODEC receives its input from a DSP (ref. 62). Col. 7:36-40. Because the voice embodiment of the

device is disclosed for use as a Dictaphone, only one channel of data is stored. The one channel of data represents data for a unitary signal required for a monaural recording of voice. The recording of one signal is evidenced by *Daberko*'s explanation of a difference between the voice and music embodiments of his invention. Namely: "The voice embodiment only require[s] monaural capabilities [whereas the music embodiment of FIG. 4] requires the use of a true stereo microphone 112 to record two channels of sound." Col. 8:15-20.

For the reasons given above, in the embodiment of FIG. 3, it is understood that when operating as a decoder, the CODEC receives only one signal from the DSP. For this reason alone, *Daberko* fails to disclose a decoder system simultaneously receiving a first prerecorded signal ... and a second prerecorded signal ..., wherein the first signal and the second signal are received separately by the decoder system, as recited in independent claim 1 and similarly recited in independent claim 2.

Moreover, in the embodiment of FIG. 4, wherein *Daberko*'s device is operating as a music record and playback device, *Daberko* only discloses the playback of *music* and never discloses even a notion that a first channel of a stereo music recording could hold a vocal signal while a second channel could hold data substantially other than a vocal signal. For this reason alone, *Daberko* fails to disclose a decoder system simultaneously receiving a first prerecorded signal, the first signal recorded to comprise substantially vocal signal information and a second prerecorded signal, the second signal recorded to comprise substantially information other than the vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder system, as recited in independent claim 1 and similarly recited in independent claim 2.

Accordingly, the 35 USC § 102(b) rejection of independent claims 1 and 2 should be withdrawn. As dependent claims 181 and 185 depend, respectively, from independent claims 1 and 2, the 35 USC § 102(b) rejection of dependent claims 181 and 185 should likewise be withdrawn.

For the reasons set forth above, Applicants submit that independent claims 1 and 2 define patentable subject matter. Claims 181-184 and 185-189 depend from independent claims 1 and

2, respectively, and therefore, also define patentable subject matter. Accordingly, Applicants request that the 35 USC § 102(b) rejection of claims 1, 2, 181, and 185 be withdrawn.

Applicants assert that all claims are in condition for allowance. Prompt and favorable examination on the merits is earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600. The Examiner is invited to telephone the undersigned at 202-220-4393 to discuss any matter regarding this application.

Respectfully submitted,



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